

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JUNE 6, 2018

MEMBERS PRESENT:

Joan Wyant, Chairman
Nathaniel Charny
Kim Godfrey
James Jeffreys
John Mautone
Radford West

MEMBERS ABSENT:

None

ALSO PRESENT:

Chairman Wyant opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Maxwell/Dierig Lot Line Adjustments** – Mark Graminski, L.S./P.E. was present as the authorized representative for the public hearing for Christopher Dierig and Douglas Maxwell, who were also present, for this lot line adjustments application. The lot line adjustments are the first step before a subdivision. The two properties owned by Christopher Dierig and Douglas Maxwell are located on Brooklyn Heights Road, tax grid numbers 6471-00-025504 consisting of 200.37 acres and 6371-00-977096 consisting of 3.59 acres. Both properties are located in the A3A zoning district. The lot line adjustments are between these two properties and with Alice Benson, Salisbury Turnpike, tax grid number 6471-00-075098 and Andrew Jones/Melinda Fishman, Brooklyn Heights Road, tax grid number 6371-00-943230. Chairperson Wyant read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Graminski said the applicants own the small 3.5 acre parcel and the 200 acre parcel. Associated with the larger parcel was a piece of property separated by Rocann Drive. This parcel has been annexed off through the assessor's office as a natural subdivision. Previously associated with this same parcel was also a triangular piece on the west side of Brooklyn Heights Road. That piece was also annexed out via a natural subdivision through the assessor and sold. A new grid number has been assigned to the parcel off of Rocann Drive. As part of the lot line adjustment application, Mr. Dierig and Mr. Maxwell will retain a northerly portion of the piece annexed out on the north side of Rocann Drive, then 16 acres out of the larger parcel will be combined with Alice Benson's existing parcel, 1 acre of the larger lot will be combined with the Fishman/Jones existing lot, and 13 acres will be annexed to the smaller lot owned by the applicants. All the lot line adjustments are noted on the map along with a lot summary of parcels. Lot number 1, the larger lot, will be further subdivided and will be discussed later tonight. Mr. Kaplan, a neighbor, said has no problem with the lot line adjustment. Joseph Sprauer, 99 Brooklyn Heights Road, said he had heard that Walter Wesarg wanted to keep this land forever wild. Mr. Jeffreys said Mr. Wesarg never formalized that. Mr. Graminski said the property owners are working with the Dutchess Land Conservancy to put a restrictive easement on the property and the plan will have specific building envelopes shown for development. The majority of the property will be protected in an easement. Mr. Maxwell said open spaces and woodlands are very important to us. Mr. and Mrs. Dimateo said this action will not impact their property.

Chairperson Wyant motioned that the Planning Board declare themselves lead agency for the Maxwell/Dierig; Jones/Fishman, Benson lot line adjustment application. Mr. West seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

The board completed the short EAF.

Chairperson Wyant motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Maxwell/Dierig; Jones/Fishman, Benson lot line adjustment application.

Mr. West seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

Mr. Jeffreys motioned to close the public hearing. Mr. Mautone seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

Chairperson Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Maxwell/Dierig, Jones/Fishman, and Benson for lot line adjustments (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on March 21, 2018 and a site plan prepared by Mark R. Graminski, PE/ L.S. dated March 21, 2018 has been submitted for the requested lot line adjustments between these properties located on Salisbury Turnpike and Brooklyn Heights Roads and identified as lands of Douglas Maxwell and Christopher Dierig, tax grid numbers 6471-00-025504 and 6371-00-977096 located in the A3A Zoning District; lands of Alice E. Benson identified as tax grid number 6471-00-075098 located in the A5A Zoning District; and lands of Andrew Jones and Melinda Fishman identified as tax grid number 6371-00-943230 located in the A3A zoning district; and

WHEREAS, the proposed action will convey 16.00 acres from 025504 to 075098, 1.00 acres from 025504 to 943230, 13.216 acres from 025504 to 977096, and after the natural subdivision of land separated off of 025504 by Rocann Drive, 10.156 acres will remain with 025504 resulting in total lot acreages of 025504 of 141.503, 075098 of 144.3 acres, 943230 of 1.964 and 977096 of 16.728; and

WHEREAS, 977096 is an unimproved lot which has an approved driveway access off of Salisbury Turnpike, and 075098, 943230 and 025504 are improved with single family dwellings and associated accessory structures; and

WHEREAS, Douglas Maxwell and Christopher Dierig have submitted a sketch plan proposal for a six lot subdivision of 025504 prepared by Mark R. Graminski, P.E./L.S. dated November 22, 2017; and

WHEREAS, a public hearing for these lot line adjustments was held on June 6, 2018 at which time there were no objections raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on June 6, 2018; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Code chapters 177 (Subdivision) and 200 (Zoning).

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants conditional final approval to the requested lot line adjustment and authorizes the Chairman to sign the mylar once the following conditions have been met:

- A. Final approval for the access off of Salisbury Turnpike to 977096 is received from Glenn Butler, Highway Superintendent.
- B. All fees are paid: \$200.00 Application Fee and \$215.93 publication fee for a total of \$415.93 made payable to the Town of Milan
- C. All signatures are obtained on the mylar prior to submitting to the Chairman for signature – all applicants, Department of Health.

Mr. Mautone seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

- 2. Carrothers Site Plan/Special Use Permit** – George Carrothers was present for the public hearing for his site plan/special use permit application for property located at 1176 Route 199, tax grid number 6471-00-935427. Chairperson Wyant read the legal notice that was posted in the paper and sent to neighboring landowners. There was no public comment.

Chairperson Wyant motioned that the Planning Board declare themselves lead agency for the site plan/special use permit application for George Carrothers. Mr. Jeffreys seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

The Board completed the short EAF.

Chairperson Wyant motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the site plan/special use permit application for George Carrothers. Mr. West seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

Mr. Jeffreys motioned to close the public hearing. Mr. Mautone seconded.

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|-------------------------|-----|----------------|-----|
| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

Chairperson Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from George Carrothers for site plan/special use permit;

WHEREAS, an application packet was submitted to the Planning Office on May 1, 2018 and a site plan drawn to scale showing the areas which will be utilized for this use has been submitted for the requested site plan/special permit application pursuant to Table A, Schedule of Use Regulations and Section 200-32 of the zoning code for the use of Manufacturing which does not constitute a nuisance on property located at 1179 Route 199 in the Highway Business zoning district consisting of 2.96 acres, tax grid number 6471-00-935427; and

WHEREAS, the site contains a commercial building which received site plan approval for a bar/tavern which has since lapsed; and

WHEREAS, the applicant is proposing a portion of the building be used for the production and bottling of hot sauce – the facility will not be used for retail sales; and

WHEREAS, a letter has been submitted dated September 17, 2014 from the New York State Department of Transportation stating curbing does not need to be installed for the driveway entrance; and

WHEREAS, this application was referred to the Dutchess County Department of Planning and Development for the GML 239 review and the response was “a matter of local concern”; and

WHEREAS, a public hearing was held on June 6, 2018 at which time there were no objections raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on June 6, 2018; and

WHEREAS, if there are any proposed changes, expansions, additional uses to this building, the property owner must apply for appropriate approvals; and

WHEREAS, there is no additional signage or lighting planned; if a sign or lighting is desired after site plan approval, the property owner must submit a revision to the site plan to be approved by the Planning Board; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Code Article VIII Special Use Permits, Article IX Site Plan, and Section 200-32, Light industrial use standards.

WHEREAS, in accordance with the provisions of Article IV of the Town Code:

- (1) The Planning Board's approval of a site plan shall expire if either of the following circumstances occurs:
 - (a) The site plan is not submitted for stamping and signature by the Chairperson within three calendar months (September 6, 2018) of the Planning Board's resolution of site plan approval, unless an extension of the time frame is granted by the Planning Board.
 - (b) A complete application for either a building permit or certificate of occupancy is not submitted to the Zoning Enforcement Officer and/or Building Inspector as applicable within six calendar months of the stamping and signing of the site plan by the Chairperson.

WHEREAS, in accordance with the provisions of Article VIII of the Town Code: A special use permit shall be deemed to authorize only the particular use or uses expressly specified in the permit and shall expire if the special use permit activity is not commenced and diligently pursued within six calendar months of the date of issuance of the special use permit.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants conditional final approval to the requested site plan/special use permit application once the following conditions are met:

- D. All fees are paid: \$250 Special Use Commercial application fee, \$100 Site Plan application fee, and \$92.76 publication fee for a total of \$442.76 made payable to the Town of Milan
- E. Board of Health documentation stating the hot sauce production meets their requirements and has passed inspection.
- F. Removal of the demolished trailer on the property.

Mr. Mautone seconded.

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| Joan Wyant, Chairperson | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0.

Administrative:

- Approval of Minutes: Chairperson Wyant motioned that the Planning Board accept the minutes of May 2, 2018 as presented. Mr. Charny seconded.

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| Chairperson Wyant | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0

Applications:

- **Maxwell/Dierig Subdivision** - Mark Graminski appeared as the authorized representative for the Maxwell/Dierig subdivision of property located on Brooklyn Heights Road, tax grid numbers 6471-00-025504 and 6371-00-977096 in the A3A zoning district. Along with the just approved lot line adjustments, this is a four lot subdivision. Lot 1 will be subdivided into four lots: 1A, 1B, 1C, and 1D. Mr. Wesarg had cut in roadways into the property which we will utilize and Mr. Graminski has met with Glenn Butler, Highway Superintendent, on all the access points. Building envelopes have been defined by the land conservancy and are shown on the map. Lot 1a is 74 acres and the building envelope is 2 acres. The majority of property is being conserved. The access is one of the existing roads and would be the access for the property. Lot 1B is 23 acres plus and is the original farmhouse and with that there are two building envelope areas – one with the actual farmhouse area and another area defined for non-residential agriculture use which is where the former barns were – there is a concrete pad there to be used if they build a barn. For Lots 1C and 1D, the proposal is to convert the existing driveway into a common driveway for both lots. Lot 1C is 26 acres and Lot 1D is 17 acres. The portion of the drive that is existing would be converted to a common drive and extended to the east where it would split off and go to the north and to the southeast and wrap around. The building envelope for Lot 1C is 1.6 acres and for Lot 1D it is 1.7 acres. Mr. Graminski said the existing topography and soil conditions would not allow development on this entire property. Out of the balance of 141 acres, there is 9.5 developable envelopes. That is the defined location which can be refined as the process goes on. Mr. Maxwell said they are filing an easement by the Dutchess Land Conservancy and there is language deeded into the lots for the building envelopes. We want the easement and we also realize it was Walter’s desire. We are building a home here and we want to see open fields. Mr. Graminski said the idea to set to the building envelopes is because consideration has been given to natural features and avoidance of disturbance to the Army Corp. wetlands. There is a classified C stream which does not require permitting which needs to be crossed. The stream will be spanned so there will be no disturbance to the outer banks. About 300 feet of the new section of the common drive will require an ODA and consideration by the Fire Department, Town Board and Town Engineer with regard to design but the topography is gentle. Care has been taken to preserve the open space and protect the open pastures. The piece to the south that was part of the lot line adjustment is also part of the DLC easement and there will be a building envelope associated with that parcel also. A map will be prepared for the public hearing

which will have the building envelopes darkened. The new disturbance of this property is under four acres. In keeping disturbance to under 4 acres and spanning the stream, it keeps the regulatory review to a minimum and due to the size of the property and the percentage of disturbance, there are no concerns with stormwater. It will be handled with grading and features near the home sites. The goal of this project is to keep the property as close to it is now.

Chairperson Wyant motioned to set the escrow account at \$1,200 to be replenished as necessary for reviews by KC Engineering, engineers for the town, and Angela Lore, attorney for the town. Mr. West seconded.

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| Chairperson Wyant | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0

- Chairperson Wyant motioned to declare this lot line adjustment application an unlisted, coordinated review under SEQRA with involved agencies being the Town of Milan Highway Department and the Town of Milan Town Board. Mr. Jeffreys seconded.

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| Chairperson Wyant | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0

Discussion Items:

- With regard to the Durst presentation, any questions from the public must be submitted to the town supervisor no later June 13, 2018. The next meeting is scheduled for June 30th where Durst will provide answers to the submitted questions.

Mr. Charny motioned to adjourn the meeting at 8:20 p.m. Mr. Mautone seconded.

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| Chairperson Wyant | Aye | James Jeffreys | Aye |
| Nathaniel Charny | Aye | John Mautone | Aye |
| Kim Godfrey | Aye | Radford West | Aye |

Motion carried 6-0

The next Planning Board meeting is scheduled for **Monday, July 9, 2018** at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board